

Remarks

Reconsideration is requested. Claims 28-35 are presented.

Rejections under 35 U.S.C. 103:

Claims 28-29 and 34 are stated as being rejected under 35 U.S.C. 103 as being unpatentable over Kowaguchi (U.S. Patent No. 6,201,973) in view of Tomoike (U.S. Patent No. 6,233,447) and in further view of Murayama (U.S. Patent No. 6,643,514).

Although these claims are stated as being rejected based on a combination of the teachings of three references, no mention is made of Tomoike except in the first sentence stating the nature of the rejection. Since no mention is made of Tomoike or its teachings in the reasons given for the rejection of these claims, applicant interprets the rejection as being based on a combination of the other two references.

Claim 28 addresses a method **implemented in a mobile communication device**. It includes the step of preventing the activation of an audible incoming call indicator in the mobile communication device while the latter is within a designated geographical area. A first signal transmitted from a supporting exchange is **received at the mobile communication device**, where the **first signal conveys that the designated geographical area comprises a high traffic area**. In response to the receipt of the first signal, the mobile communication device generates a prevent activation control signal utilized within the mobile communication device to prevent activation of the audible incoming call indicator contained in the mobile communication device upon an incoming call request being received by the mobile communication device from the supporting exchange.

In the Office Action it was acknowledged that Kowaguchi did not teach receiving at a mobile communication device a first signal from a supporting exchange representing that the designated geographical area comprises a high traffic area, and permitting activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal. Murayama was relied upon and alleged to provide such teachings. Therefore, with regard to these requirements, only Murayama need be considered since Kowaguchi has been acknowledged as not providing such teachings and no specific teachings of Tomoike have been identified or relied upon for any purpose.

In the Office Action, the explanation of how Murayama supplies the required teachings was stated as follows:

"In related art, concerning call distribution for a radio exchange station in a mobile communication system, Murayama teaches of receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas (column 4, lines 47-54 and columns 5 and 6, lines 66-67 and 1-15, respectively; where the 'call processing execution processor' sends the disconnect signal that is an indication of a designated high traffic area)." (Emphasis added by applicant.)

One of ordinary skill in the art would understand the radio exchanging station 01 of Murayama as representing a mobile switching center or similar apparatus operating as part of a wireless infrastructure system. The radio resources 31-3N correspond to RF base stations which are associated with respective call execution processors 21-2N that control the utilization of the RF communication channels supported by the base stations. The selection processor 10 is coupled to each of the call execution processors and provides management of distributing call requests among the call execution processors. The flow chart shown in Murayama in FIG. 6 illustrates the steps taken to allocate a call request to a particular execution processor/base station pair. As will be explained in more detail below, Murayama provides no teaching or suggestion of the transmission of a signal to be received by a mobile communication device indicating that the mobile communication device is in a high traffic geographical area.

Applicant addresses the specific teachings cited in Murayama as alleged to support the requirement that the mobile communication device receive a first signal from a supporting exchange representing that it is in a high traffic geographical area.

Murayama, column 4, lines 47-54. This text refers to FIG. 3 that illustrates the operation of how each of the call execution processors transmits to the selection processor information identifying communication channels in use by the respective execution processors. It will be noted that this flow of information occurs only within the mobile switching center (radio exchange station) 01. That is, **none of this information is transmitted to a mobile station** that may be served by one of the base stations.

Murayama, column 5, line 66-column 6, line 15. As indicated at column 5, line 28, this cited text refers to the operation of the call control processor as illustrated in FIG. 6. The subject text explains that it is determined whether a provisionally selected call processing execution processor and its base station (radio resource) has an available channel. If these conditions are not satisfied, i.e. a NO determination at S53 and S54, information concerning the next processor is retrieved at step S57. Thus, the search continues to find at least one execution processor with a corresponding base station able to accept a new call request. If all of the execution processors have been retrieved and none of them are able to accept the new call request, the selection processor 10 does not carry out a call distribution, i.e. the call request will be dropped or deferred pending a call channel becoming available. All of this information flow occurs only within the mobile switching center, i.e. **none of this information is transmitted to a mobile station** served by one of the base stations.

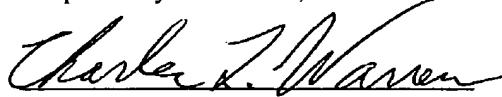
The teachings of Murayama relied upon in the Office Action as teaching the receiving at a mobile communication device of a first signal from a supporting exchange representing a high traffic geographical area are discussed in detail above. It is believed to be clear that the cited text does not support the teachings attributed to Murayama.

In the Office Action regarding a discussion of Murayama as applied to claim 28, it was stated: "the call processing execution processor sends the disconnect signal that is an indication of a designated high traffic area." First, the cited text does not teach the sending of a disconnect signal to a mobile communication device. Hence, this statement is not supported by the reference and therefore cannot form the basis of a *prima facie* ground of rejection. Further, claim 28 recites that the prevent activation control signal, which is used to prevent activation of the audible incoming call indicator in the mobile communication device, acts on an incoming call request received by the mobile communication device. That is, a communication channel between the mobile device and the supporting base station is available and an incoming call is being received by the mobile device. The purpose of the prevent activation control signal is to prevent the activation of an audible incoming call indicator at the mobile communication device in the event that an incoming call request is received. Therefore, it is clear that a "disconnect signal" could not serve as the prevent activation control signal since a disconnect signal would not be sent when an incoming call to the mobile station is being attempted to be set up. Therefore, Murayama does not supply a teaching of the requirements as required by claim 28. The withdrawal of the rejection of claim 28 is requested.

Claims 30-33 and 35 are rejected under 35 U.S.C. 103 as being unpatentable over Kowaguchi in view of Murayama. With regard to claim 30, a control signal is generated at the mobile communication device in response to receipt of the first signal, where the control signal is utilized to prevent the mobile communication device from initiating any transmissions to the supporting exchange as part of an outgoing call. It was acknowledged in the Office Action that Kowaguchi did not teach receiving at the mobile communication device a first signal from a supporting exchange representing a high traffic geographical area. Murayama is relied upon to provide this teaching. The same paragraph on page 5 of the Office Action regarding the rejection of claim 30 based on Murayama was previously recited regarding the rejection of claim 28, and has been discussed in detail above with regard to its lack of support for the claim requirements. Again, it appears that a disconnect signal (not taught or supported by the cited text of Murayama) is relied upon as being the "first signal". In claim 30 the control signal prevents the initiation of any transmission from the mobile device to the supporting exchange during an attempted outgoing call origination. Thus, no communication channel establishment is attempted and hence there is nothing for a "disconnect signal" to act on, and there is no reason for the need of a disconnect signal since no communication path establishment has been attempted. Therefore, claim 30 is not rendered obvious by the applied references.

If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney at 630-584-9206.

Respectfully submitted,



Charles L. Warren
Attorney for Applicant
Reg. No. 27,407

Dated: February 7, 2006

CARMEN B. PATTI & ASSOCIATES, LLC
Customer Number 32205